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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/855,388
Filing Date: May 15, 2001
Appellant(s): REED ET AL.

Matthew C. Loppnow
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/13/2005 appealing from the Office action mailed 5/3/2004. The Examiner's Answer mailed 1/26/2005 is vacated.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

JP 02-79090	Sakaihara et al.	3-1990
5,438,357	McNelley	8-1995

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

9.1 Claims 1, 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakaihara et al. (JP PN H2-79090), and further in view of McNelley (5,438,357).

As per claim 1, Sakaihara et al., hereinafter Sakaihara, discloses a method for processing data including an image for presentation on a display having a first display portion and a second display portion, the first and second display portions separated by a visible seam having a location and a width, the method comprising the steps of:

locating a position on at least one of the first and second display portions for displaying the image (Figure 2 61 or 62); and

displaying the image in said position such that, when said position extends beyond one of the display portions and onto a next one of the display portions, a portion of the image corresponding to the location of the visible seam is omitted (Figure 2 between 61 and 62, a portion of the image is omitted).

Sakaihara discloses a method for processing data in a multiple display environment. It is noted that Sakaihara does not explicitly disclose attributes for controlling at least one of scaling and placement of the image on the display and identifying important areas of the image, and wherein the locating step comprises the step of scaling and locating the image and protecting the important areas in accordance with the attributes, however, this is known in the art as taught by McNelley. McNelley discloses a method of displaying image in which the head section is ensured to remain within the image portion 52 (Figure 5 52 "Tight head shots would generally require a quick tracking response to ensure the head remains within the image portion 52; noted

in Figure 2A-2G the image of a head can be scaled and moved and a head is made up of attributes).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of McNelley into Sakaihara because Sakaihara discloses a method for processing data in a multiple display environment and McNelley discloses the critical part of an image can be scaled and moved but ensured to remain within an area in order to better present the image.

9.2 As per claim 9, Sakaihara discloses an apparatus for processing data including an image for presentation on a display having a first display portion and a second display portion, the first and second display portions separated by a visible seam having a location and a width, the apparatus comprising:

an input interface for accepting the data (Figure 1 between 1 and 2);

a processor coupled to the input interface for processing the data (Figure 1 1); and

an output interface coupled to the processor for outputting the processed data (Figure 1 3), wherein the processor is programmed to:

determine a location of a position on at least one of the first and second display portions for displaying the image (Figure 2 61 and 62); and

process the data for displaying the image in said position such that, when said position extends beyond one of the display portions and onto a next one of the display portions, a portion of the image corresponding to the location of the visible seam is omitted (Figure 2 between 61 and 62, a portion of the image is omitted).

Sakaihara discloses an apparatus for processing data in a multiple display environment. It is noted that Sakaihara does not explicitly disclose attributes for controlling at least one of scaling and placement of the image on the display and identifying important areas of the image, and wherein the locating step comprises the step of scaling and locating the image and protecting the important areas in accordance with the attributes, however, this is known in the art as taught by McNelley. McNelley discloses an apparatus of displaying image in which the head section is ensured to remain within the image portion 52 (Figure 5 52 "Tight head shots would generally require a quick tracking response to ensure the head remains within the image portion 52; noted in Figure 2A-2G the image of a head can be scaled and moved and a head is made up of attributes).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of McNelley into Sakaihara because Sakaihara discloses an apparatus for processing data in a multiple display environment and McNelley discloses the critical part of an image can be scaled and moved but ensured to remain within an area in order to better present the image.

9.3 As per claim 15, Sakaihara discloses an electronic device for processing data including an image, comprising:

an input interface for accepting the data (Figure 1 between 1 and 2);

a processor coupled to the input interface for processing the data (Figure 1 1); and

a display coupled to the processor for displaying the processed data, the display having a first display portion and a second display portion, the first and second display portions separated by a visible seam having a location and a width (Figure 2 61 and 62 and between 61 and 62, a portion of the image is omitted);

wherein the processor is programmed to:

determine a location of a position on at least one of the first and second display portions for displaying the image (Figure 2 61 and 62); and

process the data for displaying the image in said position such that, when said position extends beyond one of the display portions and onto a next one of the display portions, a portion of the image corresponding to the location of the visible seam is omitted (Figure 2 between 61 and 62, a portion of the image is omitted).

Sakaihara discloses a processor for processing data in a multiple display environment. It is noted that Sakaihara does not explicitly disclose attributes for controlling at least one of scaling and placement of the image on the display and identifying important areas of the image, and wherein the locating step comprises the step of scaling and locating the image and protecting the important areas in accordance with the attributes, however, this is known in the art as taught by McNelley. McNelley discloses a processor for displaying image in which the head section is ensured to remain within the image portion 52 (Figure 5 52 "Tight head shots would generally require a quick tracking response to ensure the head remains within the image portion 52; noted in Figure 2A-2G the image of a head can be scaled and moved and a head is made up of attributes).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of McNelley into Sakaihara because Sakaihara discloses a processor for processing data in a multiple display environment and McNelley discloses the critical part of an image can be scaled and moved but ensured to remain within an area in order to better present the image.

9.4 Claims 2, 3, 10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakaihara and McNelley as applied to claim 1 above, and further in view of Hecht (4,751,695).

As per claim 2, Sakaihara and McNelley demonstrated all the elements as applied to the rejection of independent claim 1, supra.

Sakaihara and McNelley disclose a method for processing data to display an image. It is noted that Sakaihara and McNelley do not explicitly discloses the step of repeatedly moving the image back and forth perpendicular to the visible seam during a time period, such that the portion of the image corresponding to the position of the visible seam differs with time, thereby allowing a display of potentially omitted portions of the image during part of the time period, however, this is known in the art as taught by Hecht. Hecht discloses a method of compensating for defective pixel by shifting and counter shifting data into defective image bar such that a pair of mutually exclusive partial images are combined to form a substantially defect free image (column 4, line 28-34).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hecht into Sakaihara and McNelley

because Sakaihara and McNelley disclose a method for processing data to omit a portion of the image and Hecht disclose a method to compensate defect image by shifting and counter shifting data into defective area in order to produce a substantially free image.

9.5 As per claim 3, Sakaihara and McNelley demonstrated all the elements as applied to the rejection of independent claim 1, supra.

Sakaihara and McNelley disclose a method for processing data to display an image. It is noted that Sakaihara and McNelley do not explicitly discloses the step of moving the image back and forth perpendicular to the visible seam, in response to a user input through a user interface, however, this is known in the art as taught by Hecht. Hecht discloses a method of compensating for defective pixel by shifting and counter shifting data into defective image bar such that a pair of mutually exclusive partial images are combined to form a substantially defect free image (column 4, line 28-34).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hecht into Sakaihara and McNelley because Sakaihara disclose a method for processing data to omit a portion of the image and Hecht disclose a method to compensate defect image by shifting and counter shifting data into defective area in order to produce a substantially free image.

As for having a user interface to select the process, it is clearly a designer's choice to make the process automatic or manual control. See In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

9.6 As per claim 10, Sakaihara and McNelley demonstrated all the elements as applied to the rejection of independent claim 9, supra.

Sakaihara and McNelley disclose an apparatus for processing data to display an image. It is noted that Sakaihara and McNelley do not explicitly discloses the process of repeatedly moving the image back and forth perpendicular to the visible seam during a time period, such that the portion of the image corresponding to the position of the visible seam differs with time, thereby allowing a display of potentially omitted portions of the image during part of the time period, however, this is known in the art as taught by Hecht. Hecht discloses an apparatus for process of compensating for defective pixel by shifting and counter shifting data into defective image bar such that a pair of mutually exclusive partial images are combined to form a substantially defect free image (column 4, line 28-34).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hecht into Sakaihara and McNelley because Sakaihara and McNelley disclose an apparatus for processing data to omit a portion of the image and Hecht disclose an apparatus for processing to compensate defect image by shifting and counter shifting data into defective area in order to produce a substantially free image.

9.7 As per claim 16, Sakaihara and McNelley demonstrated all the elements as applied to the rejection of independent claim 15, supra.

Sakaihara and McNelley disclose a processor for processing data to display an image. It is noted that Sakaihara and McNelley do not explicitly discloses the process of

repeatedly moving the image back and forth perpendicular to the visible seam during a time period, such that the portion of the image corresponding to the position of the visible seam differs with time, thereby allowing a display of potentially omitted portions of the image during part of the time period, however, this is known in the art as taught by Hecht. Hecht discloses a process of compensating for defective pixel by shifting and counter shifting data into defective image bar such that a pair of mutually exclusive partial images are combined to form a substantially defect free image (column 4, line 28-34).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hecht into Sakaihara and McNelley because Sakaihara and McNelley disclose a processor for processing data to omit a portion of the image and Hecht disclose a processor for processing to compensate defect image by shifting and counter shifting data into defective area in order to produce a substantially free image.

9.8 Claims 4, 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakaihara and McNelley as applied to claim 1 above, and further in view of Banitt (5,963,247).

As per claim 4, Sakaihara and McNelley demonstrated all the elements as applied to the rejection of independent claim 1, supra.

Sakaihara and McNelley disclose a method for processing data in a multiple display environment. It is noted that Sakaihara and McNelley do not explicitly disclose the step of scaling the image for presentation on a display surface having a size and

aspect ratio compatible with the first and second display portions aligned adjacent to one another and separated by more than the width of the visible seam, however, this is known in the art as taught by Banitt. Banitt discloses a multiple display system in which images are scaled and aligned (Figure 4 the blocks of Edge Matching and Scaling, lighting; Figure 3 shows image separated by a seam).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Banitt into Sakaihara and McNelley because Sakaihara and McNelley disclose a method for processing data in a multiple display environment and Banitt discloses a method to scale and align image in order to utilize the whole display area.

9.9 As per claim 11, Sakaihara and McNelley demonstrated all the elements as applied to the rejection of independent claim 9, supra.

Sakaihara and McNelley disclose an apparatus for processing data in a multiple display environment. It is noted that Sakaihara and McNelley do not explicitly disclose the step of scaling the image for presentation on a display surface having a size and aspect ratio compatible with the first and second display portions aligned adjacent to one another and separated by more than the width of the visible seam, however, this is known in the art as taught by Banitt. Banitt discloses a multiple display system in which images are scaled and aligned (Figure 4 the blocks of Edge Matching and Scaling, lighting; Figure 3 shows image separated by a seam).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Banitt into Sakaihara and McNelley

because Sakaihara and McNelley disclose an apparatus for processing data in a multiple display environment and Banitt discloses an apparatus to scale and align image in order to utilize the whole display area.

9.10 As per claim 17, Sakaihara and McNelley demonstrated all the elements as applied to the rejection of independent claim 15, supra.

Sakaihara and McNelley disclose a processor for processing data in a multiple display environment. It is noted that Sakaihara and McNelley do not explicitly disclose the step of scaling the image for presentation on a display surface having a size and aspect ratio compatible with the first and second display portions aligned adjacent to one another and separated by more than the width of the visible seam, however, this is known in the art as taught by Banitt. Banitt discloses a processor multiple display system in which images are scaled and aligned (Figure 4 the blocks of Edge Matching and Scaling, lighting; Figure 3 shows image separated by a seam).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Banitt into Sakaihara and McNelley because Sakaihara and McNelley disclose a processor for processing data in a multiple display environment and Banitt discloses a processor to scale and align image in order to utilize the whole display area.

9.11 Claims 5, 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakaihara and McNelley as applied to claim 1 above, and further in view of Bricklin (5,680,152).

As per claim 5, Sakaihara and McNelley demonstrated all the elements as applied to the rejection of independent claim 1, supra.

Sakaihara and McNelley disclose a method for processing data in a multiple display environment. It is noted that Sakaihara and McNelley do not explicitly disclose avoiding an important feature of the image to the visible seam, however, this is known in the art as taught by Meier et al., hereinafter Meier. Meier discloses an intelligent scrolling method in which processing the image to identify predetermined important features of the image (Figure 10 530 the first level indicator); and

locating the image such that the predetermined important features do not fall within the portion of the image corresponding to the position of the visible seam ("Indicator 530 is therefore constrained to move only within first level window 500", column 12, line 37-39, where the region outside of the boundary is considered a seam).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bricklin into Sakaihara and McNelley because Sakaihara and McNelley disclose a method for processing data in a multiple display environment and Bricklin disclose a method to display an important feature of an image is constrained into a region in order for it to be seen at all time.

9.12 As per claim 12, Sakaihara and McNelley demonstrated all the elements as applied to the rejection of independent claim 9, supra.

Sakaihara and McNelley disclose an apparatus for processing data in a multiple display environment. It is noted that Sakaihara and McNelley do not explicitly disclose avoiding an important feature of the image to the visible seam, however, this is known in

the art as taught by Meier et al., hereinafter Meier. Meier discloses an intelligent scrolling apparatus in which process the image to identify predetermined important features of the image (Figure 10 530 the first level indicator); and

locate the image such that the predetermined important features do not fall within the portion of the image corresponding to the position of the visible seam ("Indicator 530 is therefore constrained to move only within first level window 500", column 12, line 37-39, where the region outside of the boundary is considered a seam).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bricklin into Sakaihara and McNelley because Sakaihara and McNelley disclose an apparatus for processing data in a multiple display environment and Bricklin disclose a process to display an important feature of an image is constrained into a region in order for it to be seen at all time.

9.13 As per claim 18, Sakaihara demonstrated all the elements as applied to the rejection of independent claim 15, supra.

Sakaihara and McNelley disclose a processor for processing data in a multiple display environment. It is noted that Sakaihara and McNelley do not explicitly disclose avoiding an important feature of the image to the visible seam, however, this is known in the art as taught by Meier et al., hereinafter Meier. Meier discloses a processor for intelligent scrolling which processing the image to identify predetermined important features of the image (Figure 10 530 the first level indicator); and

locating the image such that the predetermined important features do not fall within the portion of the image corresponding to the position of the visible seam

("Indicator 530 is therefore constrained to move only within first level window 500", column 12, line 37-39, where the region outside of the boundary is considered a seam).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bricklin into Sakaihara and McNelley because Sakaihara and McNelley disclose a processor for processing data in a multiple display environment and Bricklin discloses a processor to display an important feature of an image is constrained into a region in order for it to be seen at all time.

9.14 Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakaihara and McNelley as applied to claim 1 above, and further in view of Caine (5,361,078).

As per claim 6, Sakaihara and McNelley demonstrated all the elements as applied to the rejection of independent claim 1, supra.

Sakaihara and McNelley disclose a method for processing data in a multiple display environment. It is noted that Sakaihara and McNelley do not explicitly discloses the step of locating step comprises the step of positioning the image wholly in one of the first and second display portions, however, this is known in the art as taught by Suga et al., hereinafter Suga. Suga discloses a method of displaying image on a multiple display system in which "each screen displays a portion of an image or the whole image when the video drivers read out data", Abstract.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Suga into Sakaihara and McNelley because Sakaihara and McNelley disclose a method for processing data in a multiple display environment and Suga disclose a method to display a portion of an image or the

whole image to each screen in order to give greater flexibility in controlling what is displayed on the screen.

9.15 Claims 7, 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakaihara and McNelley as applied to claim 1 above, and further in view of Forcier (5,590,257).

As per claim 7, Sakaihara and McNelley demonstrated all the elements as applied to the rejection of independent claim 1, supra.

Sakaihara and McNelley disclose a method for processing data in a multiple display environment. It is noted that Sakaihara and McNelley do not explicitly disclose the step of wrapping the text to fit into areas of the first and second display portions not used for displaying the image, however, this is known in the art as taught by Forcier. Forcier discloses a method of displaying image on a multiple display system (Figure 7L) in which text is wrapped to fit into areas of the first and second display portions not used for displaying the image (Figure 7N).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Forcier into Sakaihara and McNelley because Sakaihara and McNelley disclose a method for processing data in a multiple display environment and Forcier discloses text can be wrapped around in order to better present the text information in a text/image environment.

9.16 As per claim 13, Sakaihara and McNelley demonstrated all the elements as applied to the rejection of independent claim 9, supra.

Sakaihara and McNelley disclose an apparatus for processing data in a multiple display environment. It is noted that Sakaihara and McNelley do not explicitly disclose the step of wrapping the text to fit into areas of the first and second display portions not used for displaying the image, however, this is known in the art as taught by Forcier. Forcier discloses an apparatus of displaying image on a multiple display system (Figure 7L) in which text is wrapped to fit into areas of the first and second display portions not used for displaying the image (Figure 7N).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Forcier into Sakaihara and McNelley because Sakaihara and McNelley disclose an apparatus for processing data in a multiple display environment and Forcier discloses text can be wrapped around in order to better present the text information in a text/image environment.

9.17 As per claim 19, Sakaihara and McNelley demonstrated all the elements as applied to the rejection of independent claim 15, supra.

Sakaihara and McNelley disclose a processor for processing data in a multiple display environment. It is noted that Sakaihara and McNelley do not explicitly discloses the process of wrapping the text to fit into areas of the first and second display portions not used for displaying the image, however, this is known in the art as taught by Forcier. Forcier discloses an apparatus of displaying image on a multiple display system (Figure 7L) in which text is wrapped to fit into areas of the first and second display portions not used for displaying the image (Figure 7N).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Forcier into Sakaihara and McNelley because Sakaihara and McNelley disclose an apparatus for processing data in a multiple display environment and Forcier discloses text can be wrapped around in order to better present the text information in a text/image environment.

(10) Response to Argument

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Sakaihara discloses an electronic stained glass (which is actually a LCD type electronic display device) and McNelley discloses an electronics display device (which is useful in a teleconferencing system), therefore, both inventions are related to electronic display device. Sakaihara's display device is characterized by "using one or multiple transmission liquid-crystal display devices in lieu of window glass, a frame memory that stores images at each display device and displaying the images are generated or read from a memory device; a computer is provided to the frame memory of each display device by cutting out a section of the display device to be displayed from the entire image based on the location and the size of the display

device" (see Abstract). Therefore, Sakaihara recognizes that there is a danger an important part of the display image is cut out. McNelley discloses an important part of the image is made sure to be displayed within a display area (Figure 5 52 "Tight head shots would generally require a quick tracking response to ensure the head remains within the image portion 52; noted in Figure 2A-2G the image of a head can be scaled and moved and a head is made up of attributes). Since the McNelly teaching is a well known public knowledge, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of McNelley into Sakaihara in order to ensure an important part of the image is constantly being displayed.

Examiner considers to ensure an important part of an image is displayed is a strong motivation to incorporate McNelley teaching into Sakaihara's electronic display device.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Ryan Yang

Ryan Yang
February 1, 2006

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